

MINUTES OF JANUARY 7, 2013

The regular meeting of the Sussex County Board of Adjustment was held on Monday, January 7, 2013, at 7:00 p.m. in the County Council Chambers, County Administrative Building, Georgetown, Delaware.

The meeting was called to order at 7:00 p.m. with Chairman Callaway presiding. The Board members present were: Mr. Dale Callaway, Mr. John Mills, Mr. Brent Workman, Mr. Jeff Hudson, Mr. Norman Rickard, with Mr. James Sharp – Assistant County Attorney, and staff members, Mrs. Susan Isaacs – Chief Zoning Inspector, and Mrs. Jennifer Norwood – Recording Secretary.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously to approve the Revised Agenda as circulated. Motion carried 5 – 0.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously to approve the Minutes of December 10, 2012 as circulated. Motion carried 5 – 0.

Motion by Mr. Rickard, seconded by Mr. Mills, and carried unanimously to approve the Finding of Fact for December 10, 2012. Motion carried 5 – 0.

Mr. Sharp read a statement explaining how the Board of Adjustment meeting is conducted and the procedures for hearing the cases.

PUBLIC HEARINGS

Case No. 11129 – Estate of Dulseena Leonard – south of Road 297 (Oak Orchard Road) southeast of Oak Meadow Drive, being Lot 74 within Oak Meadows development. (Tax Map I.D. 2-34-29.00-135.00)

An application for a variance from the front yard and rear yard setback requirements.

Mrs. Isaacs presented the case. Pam Leonard and Paul Polasky were sworn in to testify about the Application. Dean Campbell, Esquire, presented the case to the Board on behalf of the Applicant and stated that the Applicant is requesting a variance of 3.5 feet from the 30 feet front yard setback requirement for an existing manufactured home and a variance of 1 foot from the 5 feet rear yard setback requirement for an existing shed. Mr. Campbell stated that the Property is located in the Oak Meadows development; that the owner passed away and the Property was being sold as part of her estate administration; that the encroachments were discovered in a survey completed for settlement; that the deceased owner had problems with the builder; that a Certificate of Compliance has been issued for the manufactured home and that no violations of the Sussex County Zoning Ordinance were noticed at that time; that to move the manufactured home into compliance would be very costly; that the variances will not alter the essential character of the neighborhood, since there are other manufactured homes in Oak Meadows which are closer to the street; that the difficulty was not created by the Applicant; and that the variances

will enable reasonable use of the Property. Ms. Leonard, under oath, confirmed the statements by Mr. Campbell.

Paul Polasky testified that the buyer of the Property plans to remove the existing shed since it is in poor condition and that he does not believe it is on a permanent foundation.

Pam Leonard testified that her parents purchased the Property in 1989; that there was an existing single-wide manufactured home at that time; that her parents replaced the single-wide with a double-wide unit; and that she believes it was placed at the same location as the single-wide.

Mrs. Isaacs stated that there is no permit on file for the shed but that a permit was obtained for the double-wide home in 2010.

The Board found that two (2) parties appeared in support of the Application.

The Board found that no parties appeared in opposition to the Application.

Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11129 for the requested variances based on the record made at the public hearing and for the following reasons:

1. The Certificate of Compliance was issued in 2011;
2. The variances are necessary to enable reasonable use of the Property;
3. The difficulty was not created by the Applicant;
4. The variances will not alter the essential character of the neighborhood; and
5. The variances sought are the minimum variances to afford relief.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously that the variance be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Mills – yea, Mr. Hudson – yea, Mr. Workman – yea, Mr. Rickard – yea, and Mr. Callaway – yea.

Case No. 11130 – Michael A. Molinaro & Wendi L. Molinaro – south of Road 358 (Sandy Cove Road) south of Bow Street, being Lot 16 within Holly Ridge Terrace development. (Tax Map I.D. 1-34-9.00-176.00)

An application for a variance from the front yard setback requirement.

Mrs. Isaacs presented the case. Melinda Marvel Martin was sworn in to testify about the Application. Larry Fifer, Esquire, presented the case to the Board on behalf of the Applicants and

stated that the Applicants are requesting a variance of 16.3 feet from the 30 feet front yard setback requirement for an existing manufactured home; that the Property is located in the Holly Ridge Terrace community, which is a mobile home subdivision; that the existing manufactured home has a screen porch; that Ms. Martin's parents placed the manufactured home on the lot in the early 1970's and a certificate of occupancy was granted; that Ms. Martin inherited the Property and agreed to sell it to the Applicants; that a survey completed for settlement showed the encroachment into the front yard setback area; that the Property is surrounded by water on two (2) sides making it unique; that the Property cannot be otherwise developed in strict conformity with the Sussex County Zoning Code due to the surrounding water; that the variance will enable reasonable use of the Property; that the Applicants were not involved in the placement of the dwelling thus did not create the need for the variance; that the variance will not alter the character of the neighborhood; that the variance will not be detrimental to public welfare; and that the variance is the minimum variance necessary to afford relief.

Ms. Martin, under oath, confirmed the statements by Mr. Fifer and testified that the cul-de-sac shown on the survey did not exist until the dirt road was paved in September 2012.

The Board found that one (1) party appeared in support of the Application.

The Board found that no parties appeared in opposition to the Application.

Mr. Mills stated that he would move that the Board recommend approval of Variance Application No. 11130 for the requested variance based on the record made at the public hearing and for the following reasons:

1. The recent paving of the cul-de-sac makes the Property unique;
2. The variance is necessary to enable reasonable use of the Property;
3. The difficulty was not created by the Applicants;
4. The variance will not alter the essential character of the neighborhood; and
5. The variance sought is the minimum variance necessary to afford relief.

Motion by Mr. Mills, seconded by Mr. Rickard, and carried unanimously that the variance be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Hudson – yea, Mr. Workman – yea, Mr. Rickard – yea, Mr. Mills – yea, and Mr. Callaway – yea.

Case No. 11131 – William Sharp & Kimberly Sharp – south of Road 22 (Long Neck Road) northeast of Brockton Pass, being Unit B12-5 within Fairfield at Long Neck development. (Tax Map I.D. 2-34-20.00-8.00-Unit B12-5)

An application for a variance from the separation requirement between units.

Mrs. Isaacs presented the case. William Sharp, III was sworn in and testified requesting a variance of 7.2 feet from the 40 feet separation between units requirement for a proposed screen porch and deck. Mr. Sharp testified that he purchased the Property in October 2012; that the Property is located within the Fairfield at Long Neck development; that the development was created by Anderson Homes in 2004 or 2005; that variances for three (3) similar decks in the neighborhood were approved by the Board in 2009; that there are seven (7) units to a building and he owns one (1) unit; that the proposed deck will measure ten (10) feet by ten (10) feet and the proposed screen porch will measure ten (10) feet by ten (10) feet; that the Homeowners Association has approved the proposed plan; and that the proposed screen porch and deck are consistent with others found in the development. Mr. Sharp submitted to the Board pictures of the Property and surrounding areas and an email from the Homeowners Association President stating preliminary approval has been granted by the Homeowners Association.

The Board asked the Applicant if he would like additional time to review the standards for granting a variance and to prepare his presentation. Mr. Sharp said that he would like some additional time to prepare.

The Board found that one (1) party appeared in support of the Application.

The Board found that no parties appeared in opposition to the Application.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the case be **left open and moved to the end of the night's Agenda to allow the Applicant more time to prepare.** Motion carried 5 – 0.

At the conclusion of the public hearings, the Chairman re-opened the case. Mr. William Sharp testified that the neighbors all have decks but his unit is unique because it is less than forty (40) feet from his neighbor; that the variance is necessary to enable reasonable use of the Property; that the difficulty was not created by the Applicant because he did not create the development; that the variance will not alter the character of the neighborhood because there are other similar decks in the neighborhood; that the variance will not be detrimental to the public welfare; and that the variance is the minimum variance necessary to afford relief as the proposed deck and porch is no bigger than other decks in the neighborhood.

Mr. Mills stated that he would move that the Board recommend approval of Variance Application No. 11131 for the requested variance based on the record made at the public hearing and for the following reasons:

1. The separation requirement for his unit creates uniqueness;
2. The variance is necessary to enable reasonable use of the Property;
3. The difficulty was not created by the Applicants;

4. The variance will not alter the essential character of the neighborhood; and
5. The variance sought is the minimum variance necessary to afford relief.

Motion by Mr. Mills, seconded by Mr. Rickard, and carried unanimously that the variance be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Hudson – yea, Mr. Workman – yea, Mr. Rickard – yea, Mr. Mills – yea, and Mr. Callaway – yea.

Case No. 11132 – Carl Krajec & Marian Krajec – south of Road 278 (Angola Beach Road) west of Herring Reach, being Lot 45 within Bay Pointe development. (Tax Map I.D. 2-34-18.00-659.00)

An application for a variance from the rear yard setback requirement.

Mrs. Isaacs presented the case. Robert Hillman, Carl Krajec and Marian Krajec were sworn in and testified requesting a variance of 4.4 feet from the 10 feet rear yard setback requirement for a proposed screen porch. Mr. Hillman testified that a variance for the existing deck was approved three (3) years ago; that the screen porch is being built on the existing deck; and that the rear of the Property is adjacent to the community's storm water management pond.

Mr. Krajec testified that the Property was too small for the house built by Ryan Homes on the lot and that Ryan Homes no longer offers that model for sale; that the construction of the screen porch has begun and would be very costly to tear down; that the porch cannot be built in strict conformity with the Sussex County Zoning Ordinance since the dwelling is adjacent to the pond; that the difficulty was not created by the Applicants; that the variance will not alter the essential character of the neighborhood as the screen porch will look like the existing home with similar shingles and siding; and that there are other similar porches in the neighborhood.

Mr. Hillman testified that a neighbor received a similar variance for a screen porch as well.

Mr. Krajec testified that the neighbors are supportive of the Application; that the variance sought is the minimum variance to afford relief; that he suffered from skin cancer and his wife has an allergy to insect bites so the screen porch will enable them to reasonably use the Property. The Applicants submitted letters of support from their neighbors.

The Board found that four (4) parties appeared in support of the Application.

The Board found that no parties appeared in opposition to the Application.

Mrs. Isaacs stated that three (3) letters were submitted in support of the Application.

Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11132 for the requested variance based on the record made at the public hearings and for the following reasons:

1. The Property is unique due to the large dwelling;
2. The variance is necessary to enable reasonable use of the Property;
3. The difficulty was not created by the Applicants;
4. The variance will not alter the essential character of the neighborhood;
5. The variance sought is the minimum variance necessary to afford relief; and
6. The variance represents the least modification possible of the regulation in issue.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried that the variance be **granted for the reasons stated.** Motion carried 4 – 1.

The vote by roll call; Mr. Mills – nay, Mr. Hudson – yea, Mr. Workman – yea, Mr. Rickard – yea, and Mr. Callaway – yea.

Case No. 11133 – Lisa Ambrose – north of Route 54 (Lighthouse Road) west of Swann Drive, being Lot 31 within Swann Keys development. (Tax Map I.D. 5-33-12.16-519.00)

An application for variances from the front yard, side yard, and rear yard setback requirements.

Mrs. Isaacs presented the case. James Clark was sworn in and testified requesting a variance of 3.2 feet from the 10 feet front yard setback requirement for a proposed shed, a variance of 0.2 feet from the 10 feet side yard setback requirement for an existing manufactured home, a variance of 4.3 feet from the 10 feet side yard setback requirement for proposed steps and roof, and a variance of 5 feet from the 10 feet rear yard setback requirement for a proposed deck, steps, and roof. Mr. Clark testified that he is an architect hired by the Applicant's builder; that the Applicant wants to construct a roof over the existing walkway to provide cover during rain storms; that the Applicant has experienced issues with rain; that the Property is located within the Swann Keys development; that the Property is unique since the manufactured home is located on the building setback line; that there are outbuildings on the street side of the Property; that there is a long walkway on the south side of the Property and the Applicant wants to cover the walkway to provide cover during rain storms; that the Applicant seeks to place a garage on the street side of the Property; that the proposed garage is to be located where the existing outbuildings are located; that the proposed attached garage can be built smaller; that the proposed garage will be too small for a car; that the Applicant does not seek to enclose the porch; that the shed is not a permanent foundation and has a wood floor; that the Property cannot be developed in strict conformity with the Sussex County Zoning Ordinance because the space cannot be enclosed without a variance; that the proposed variances will not alter the character of

the neighborhood; that the proposed roof and attached garage will enhance the appearance of the site; that he has not been to the site but he has seen pictures of the Property; that the Applicant wants to make the garage an extension of the dwelling; that the Applicant does not propose to place any walls on the walkway in the side yard and simply plans to use the roof extension as cover for the walkway; that the deck in the rear yard is attached to the dwelling; that there is currently space between the existing shed and the dwelling; that the existing shed will be removed and replaced with the garage which will connect to the dwelling; and that he is not sure where cars will park on the site because the space to park cars is limited.

The Board found that no parties appeared in support of or in opposition to the Application.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously that the case be **tabled until January 28, 2013**. Motion carried 5 – 0.

The vote by roll call; Mr. Mills – yea, Mr. Hudson – yea, Mr. Workman – yea, Mr. Rickard – yea, and Mr. Callaway – yea.

Case No. 11134 – Vincent Oddo – west of Sam's Way approximately 700 feet northwest of Road 436 (Curley Drive). (Tax Map I.D. 2-32-24.00-2.02)

An application for a special use exception to place a multi-sectional home that is more than five (5) years old.

Mr. Sharp stated to the Board that the Applicant has been a client in the past and wanted to advise the Board that, if the Board believed that a conflict exists, they may want to refer legal questions to Vince Robertson, Esquire.

Mrs. Isaacs presented the case. Vincent Oddo was sworn in and testified requesting a special use exception to place a multi-sectional home that is more than five (5) years old; that the proposed double-wide home is ten (10) years old; that the proposed unit will be for his daughter and grandson; that the use will not have an adverse effect on surrounding properties and will improve the neighborhood; that there are other manufactured homes in the area; that the unit will be placed on a block foundation and have vinyl siding; that the unit is in excellent shape; that he owns two (2) properties in front of the Property; and that there are no houses across the street. Mr. Oddo submitted pictures in support of the Application.

The Board found that one (1) party appeared in support of the Application.

The Board found that no parties appeared in opposition to the Application.

Mr. Mills stated that he would move that the Board recommend approval of Special Use Exception No. 11134 for the requested special use exception based on the record made at the public hearing because the use does not substantially affect adversely the uses of adjacent and neighboring properties.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the special use exception be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Rickard – yea, Mr. Workman – yea, Mr. Hudson – yea, Mr. Mills – yea, and Mr. Callaway – yea.

Case No. 11135 – Rachael Douglas – south of Road 277 (Angola Road) north of Woodland Court North, being Lot 60 Block J Section 2 within Angola by the Bay development.(Tax Map I.D. 2-34-12.17-122.00)

An application for a variance from the side yard setback requirement.

Mrs. Isaacs presented the case. Jason Lambros was sworn in and testified requesting a variance of 2.5 feet from the 10 feet side yard setback requirement for a shed roof over an existing deck. Mr. Lambros testified that he is the contractor for the Applicant; that he made a mistake when constructing the roof by not considering the setback requirements; that the roof will provide protection from the weather and is necessary to enable reasonable use of the Property; that the error was discovered when he applied for the Certificate of Compliance; that the front door to the dwelling is on the side of the dwelling which creates a unique situation; that the variance is necessary to enable reasonable use of the Property; that the variance is not detrimental to public welfare; and that the variance will improve the character of the neighborhood. Mr. Lambros submitted pictures in support of the Application.

The Board found that two (2) parties appeared in support of the Application.

The Board found that no parties appeared in opposition to the Application.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the case **be taken under advisement**. Motion carried 5 – 0.

The vote by roll call; Mr. Rickard – yea, Mr. Workman – yea, Mr. Hudson – yea, Mr. Mills – yea, and Mr. Callaway – yea.

Mr. Rickard stated that he would move that the Board recommend approval of Variance Application No. 11135 for the requested variance based on the record made at the public hearing and for the following reasons:

1. The Property is unique due to the small rear yard;
2. The variance is necessary to reasonable use of the Property;
3. The difficulty was not created by the Applicant;
4. The variance will not alter the essential character of the neighborhood; and
5. The variance sought is the minimum variance necessary to afford relief.

Motion by Mr. Rickard, seconded by Mr. Hudson, and carried unanimously that the variance be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Mills – yea, Mr. Hudson – yea, Mr. Workman – yea, Mr. Rickard – yea, and Mr. Callaway – yea.

Case No. 11136 – Kirk Christensen & Michelle Durand – south of Road 277 (Angola Road) east of Linden Avenue, being Lot 27 Block P Section 3 within Angola by the Bay development. (Tax Map I.D. 2-34-11.20-62.00)

An application for variances from the side yard and rear yard setback requirements.

Mrs. Isaacs presented the case. Michele Durand was sworn in and testified requesting a variance of 1.1 feet from the 20 feet rear yard setback requirement for an existing porch, a variance of 1.9 feet from the 10 feet side yard setback requirement for an existing outside shower, a variance of 4.99 feet from the 5 feet side yard setback requirement for an existing shed, and a variance of 4.99 feet from the 5 feet rear yard setback requirement for an existing shed. Ms. Durand testified that she purchased the Property eleven (11) years ago; that the existing dwelling had to be torn down due to issues with the foundation; that the previous shed had to be replaced and a new one was placed on the existing concrete pad; that the lot is very narrow and shallow; that the neighbor's shed backs up to their shed; that the Homeowners Association has approved the dwelling and shed; that the shed is consistent with other sheds in the neighborhood; that there is a common area behind the dwelling; that the septic system in the rear of the Property led to the original placement of the shed; that before construction of the new dwelling, a survey showed a 6 to 7 foot shift in property lines; that the dwelling was built in August 2011; that the outside shower was part of the original dwelling; that a Certificate of Compliance was issued for the dwelling; that the variances are necessary to enable reasonable use of the Property; and that the variances sought are the minimum variances necessary to afford relief.

The Board found that no parties appeared in support of or in opposition to the Application.

Mr. Rickard stated that he would move that the Board recommend approval of Application No. 11136 for the requested variances based on the record made at the public hearings and for the following reason:

1. The Property is unique due to the shift in property lines with a new survey;
2. The variances are necessary to enable reasonable use of the Property;
3. The difficulty was not created by the Applicant;
4. The variances will not alter the essential character of the neighborhood; and
5. The variances sought are the minimum variances necessary to afford relief.

Motion by Mr. Rickard, seconded by Mr. Mills, and carried unanimously that the variance be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Workman – yea, Mr. Hudson – yea, Mr. Mills – yea, Mr. Rickard – yea, and Mr. Callaway – yea.

Case No. 11137 – J & Y Parker Family L.P. – northeast of Route 113 (DuPont Boulevard) west of Road 83 (Mitchell Road)(A thru lot). (Tax Map I.D. 2-33-5.00-98.00)

An application for a special use exception to place a billboard and for variances from the required square footage requirement, the maximum height requirement, and the required setback for a billboard from a dwelling.

Mrs. Isaacs presented the case. John Parker was sworn in to testify about the Application. Jim Fuqua, Esquire, presented the case to the Board on behalf of the Applicant and stated that the Applicant is requesting a special use exception to place a billboard and for a variance of 600 square feet from the 300 square feet maximum allowable square footage for a billboard requirement, a variance of 15 feet from the 25 feet maximum height requirement for a billboard, and a variance of 72.6 feet from the requirement that all billboards be at least 300 feet from a dwelling. Mr. Fuqua stated that the Applicant has owned the Property for 25 years; that the Property is triangular in shape; that there is road frontage on both sides of the Property; that Route 113 borders the west side of the Property and County Road 83 borders the rear of the Property; that the Property is zoned Commercial; that there is an existing manufactured home sales lot and a seafood takeout business on the Property; that the proposed billboard will meet the front yard and side yard setback requirements; that the proposed billboard will be located north of the entrance to the manufactured home sales lot; that there is an existing billboard on the Property; that the billboard will be 227 feet from the neighboring dwelling; that the neighboring dwelling is located on a commercial zoned property; that the surrounding properties are zoned Commercial; that the proposed billboard is a double billboard and is similar to other billboards in the area; that the proposed height is to accommodate the proposed size of the billboard and to avoid unnecessary interference with the local businesses; that the proposed billboard will not have an adverse effect the surrounding properties; the stretch of Route 113 in the area is straight and the billboard should not have an adverse effect on visibility; that the variances are necessary to enable reasonable use; and that the variances sought are the minimum variances necessary to afford relief. Mr. Fuqua submitted exhibits for the Board to review. Mr. Parker, under oath, confirmed the statements made by Mr. Fuqua.

Mr. Parker testified that that the proposed billboard will be a 12 feet by 50 feet double-sided billboard on a monopole structure; that he has received three (3) inquiries into the proposed billboard; that the existing billboard is 35-40 feet tall; and that the proposed billboard will be located north of the entrance of the manufactured sales lot to avoid issues with visibility on Route 113.

Gil Fleming was sworn in and testified in opposition to the Application and testified that he is the General Manager of the existing manufactured home sales business on the Property; that he was not aware of the proposed billboard; and that he has concerns what affect the proposed billboard will have to his existing business.

The Board found that no parties appeared in support of the Application.

The Board found that one (1) party appeared in opposition to the Application.

Motion by Mr. Mills, seconded by Mr. Workman, and carried unanimously that the case **be taken under advisement**. Motion carried 5 – 0.

The vote by roll call; Mr. Rickard – yea, Mr. Workman – yea, Mr. Hudson – yea, Mr. Mills – yea, and Mr. Callaway – yea.

At the conclusion of the public hearings, the Chairman referred back to this case. Motion by Mr. Mills, seconded by Mr. Rickard, and carried unanimously that the case **be tabled until January 28, 2013**. Motion carried 5 – 0.

The vote by roll call; Mr. Hudson – yea, Mr. Workman – yea, Mr. Rickard – yea, Mr. Mills – yea, and Mr. Callaway – yea.

Case No. 11138 – CMH Homes – north of Road 402 (Blueberry Lane) approximately 2,000 feet west of Route 113 (DuPont Boulevard). (Tax Map I.D. 4-33-6.00-23.00)

An application for a variance of the minimum square footage for a parcel requirement.

Mrs. Isaacs presented the case. Gil Fleming and Mary Harding were sworn in and testified requesting a variance of 15,539 square feet from the minimum square footage requirement of 32,670 square feet for a parcel. Mr. Fleming testified that the Property was advertised by a real estate agent as a Class “C” double-wide lot; that the customer purchased a double-wide manufactured home; and that the Property was part of a larger parcel that was previously subdivided.

Ms. Harding testified that the Property was originally advertised as a Class “C” property by the original realtor and that the original realtor believed that a Class “C” manufactured home

was permissible on the Property; that there were several calls made to the Planning and Zoning Department by all parties involved to verify that this Property could in fact have a double-wide manufactured home placed on it and were assured that the lot would permit a double-wide manufactured home; and that when applying for the manufactured home placement permit they were advised the lot was too small to permit a double-wide manufactured home.

Mr. Fleming testified that the Board previously granted a variance for this Property in Case Number 11122; that the sales contract is contingent on whether a variance will be obtained to allow for the placement of the manufactured home; and that there are other manufactured homes in the area.

Mr. Fleming submitted to the Board a copy of the sales agreement.

Melissa Jones was sworn in and testified in support of the Application and stated that she also called the Planning and Zoning Department to verify that the proposed manufactured home could be placed on this property, prior to the sale, and was also told that the unit could be placed on the lot.

The Board found that two (2) parties appeared in support of the Application.

The Board found that no parties appeared in opposition to the Application.

Mr. Mills stated that he would move that the Board recommend approval of Variance Application No. 11138 for the requested variance based on the record made at the public hearing and for the following reasons:

1. The Property is unique in shape and is difficult to develop;
2. The variance is necessary to enable reasonable use of the Property;
3. The difficulty was not created by the Applicant;
4. The variance will not alter the essential character of the neighborhood as there are similar uses in the neighborhood; and
5. The variance sought is the minimum variance necessary to afford relief.

Motion by Mr. Mills, seconded by Mr. Hudson, and carried unanimously that the variance be **granted for the reasons stated**. Motion carried 5 – 0.

The vote by roll call; Mr. Rickard – yea, Mr. Workman – yea, Mr. Hudson – yea, Mr. Mills – yea, and Mr. Callaway – yea.

OTHER BUSINESS

Case No. 10880 – Carleen Morris – south of Route 20, northwest of Nanticoke Circle, being Lot 45 within Nanticoke Acres Annex development.

A special use exception to operate a daycare facility.

Request for a time extension.

Mrs. Isaacs read a letter from the Applicant requesting a six (6) month time extension.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously that the request for a time extension be **granted for a period of six (6) months**. Motion carried 5 – 0.

The vote by roll call; Mr. Mills – yea, Mr. Hudson – yea, Mr. Workman – yea, Mr. Rickard – yea, and Mr. Callaway – yea.

Case No. 10931 – Jacqueline Bacher & Patricia Hartman – east of Road 39 (Primehook Road) at the intersection of Front Street and Cedar Street.

A variance from the front yard setback requirement.

Request for a time extension.

Mrs. Isaacs read a letter from the Applicant requesting a one (1) year time extension.

Motion by Mr. Rickard, seconded by Mr. Workman, and carried unanimously that the request for a time extension be **granted for a period of one (1) year**. Motion carried 5 – 0.

The vote by roll call; Mr. Mills – yea, Mr. Hudson – yea, Mr. Workman – yea, Mr. Rickard – yea, and Mr. Callaway – yea.

Meeting Adjourned 9:25 p.m.